# RECEIVED CENTRAL FAX CENTER

NOV 1 5 2004

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

# ALSTON&BIRD LLP

3201 Beechleaf Court, Suite 600 Raleigh, NC 27604-1062 919-862-2200 Fax: 919-862-2260

#### TELECOPY

#### PLEASE DELIVER AS SOON AS POSSIBLE

Date:			
Novem	ber 15, 2004		
Recipient:		Company:	
Examiner Newton O. Edwards		USPTO	
Fax Number:		Voice Number:	
703-872-9306		571-272-1521	
Sender:			,
Christo	pher M. Humphrey		
Message:			
In re:	Meyer et al.	Confirmation No.:	4624
Appl No.:	10/722,380	Group Art Unit:	1774
Filed:	November 25, 2003	Examiner:	Edwards, Newton O.
For:	MULTICOMPONENT FIBER INCLUDING A LUMINCESCENT COLORANT		
Please see the patent application	e attached Response to Restriction.	on Requirement in referenc	ce to the above-identified
	Number	r of Pages: (including cov	er page) 4
IF NOT REC	CEIVED PROPERLY, PLEASE	NOTIFY US IMMEDIATI	ELY AT Chris Humphrey.
USER CODE:		REQUESTED BY:	Chris Humphrey
I CLIENT/MA'	PPER · 038675/270589	OPER ATOR:	

# CENTRAL FAX CENTER

Attorney's Docket No. 038675/270589

NOV 1 5 2004

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Meyer et al.

Confirmation No.: 4624

1774

Appl No.: Filed:

10/722,380

Group Art Unit:

Edwards, Newton O.

November 25, 2003

Examiner:

For:

MULTICOMPONENT FIBER INCLUDING A LUMINESCENT COLORANT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated October 13, 2004, in which the Examiner has required restriction between Group I, namely Claims 1-24, 29 and 30, Group II, namely Claims 31-34, Group III, namely Claims 25, 26, 27, and 28, Group IV, namely Claims 31-34, and Group V, namely Claims 35, 36, 37, and 38. Applicants hereby provisionally elect with traverse to prosecute the claims of Group II (Claims 31-34, drawn to a sheath-core fiber) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Applicants note that Group II and Group IV list the same claims. Thus, for purposes of this response, Applicants have ignored Group IV and have focused on the remaining four groups.

There appears to be an election of species requirement related to Group II, although the species election is identified as pertaining to Group III in the Office Action. It appears that the election of species is required as to the type of colorant in Claim 31 and an election is required with respect to the list of polymeric materials appearing in Claim 34. In order to be fully responsive, Applicants elect phosphorescent colorant in Claim 31 and nylon 6 in Claim 34. Applicants note that consideration of additional species should take place upon allowance of a generic claim as provided by 37 C.F.R. §1.141. Currently, Claim 31 is generic in Group II.

Applicants traverse the restriction requirement in part. Specifically, Applicants note that Claims 31-34, which are drawn to a sheath-core fiber, represent a sub-embodiment of independent Claim I of Group I. As such, it is not believed that search and examination of Group I and Group II together would pose a serious burden to the Examiner. In essence, Claims 31-34 represent a particular structural species of the multicomponent fiber of Group I, particularly Claim 1. As a result, Applicants respectfully request treating Claims 31-34 as an elected species of Group I and thus combining Group I and Group II for purposes of examination with the understanding that

Appl No.: 10/722,380 Amdt. dated 11/15/2004

. .

Reply to Restriction Requirement of October 13, 2004

additional species would be also examined if a generic claim, such as Claim 1, was found to be allowable.

Additionally, Applicants respectfully object to the separation of Group II and Group III. Group III, namely Claims 25-28, are also drawn to a sheath and core fiber wherein the sheath comprises a non-luminescent polymer component and the core comprises the "second polymeric component", which is defined in Claim 1 as comprising at least one luminescent colorant. Although Claim 31 specifies that the core comprises at least one fluorescent or phosphorescent colorant, it is understood in the art that fluorescent and phosphorescent colorants are examples of luminescent colorants. Further, in the specification, the term luminescent colorant is defined as encompassing fluorescent colorants and phosphorescent colorants. Thus, the claims of Group II are actually a species of the invention claimed in Group III. Accordingly, it is not believed that examination of Groups II and III would be a serious burden to the Examiner and should logically be examined together since both groups pertain to sheath/core fibers with a luminescent core.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

R

Christopyer M. Humphrey Registration No. 43,683

CUSTOMER No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

P. 004

NOV. -15' 04 (MON) 16:34

Appl No.: 10/722,380 Amdt. dated 11/15/2004

Reply to Restriction Requirement of October 13, 2004

ALSTON & BIRD

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at

Fax No. (703) 872-9306 on the date shown below,

Tracey S. Wright

# This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

# **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

BLACK BORDERS

IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

FADED TEXT OR DRAWING

BLURRED OR ILLEGIBLE TEXT OR DRAWING

SKEWED/SLANTED IMAGES

COLOR OR BLACK AND WHITE PHOTOGRAPHS

GRAY SCALE DOCUMENTS

LINES OR MARKS ON ORIGINAL DOCUMENT

REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

OTHER:

### IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.